

REMARKS

A telephone interview between Examiner Rudy and Dennis Smid (one of the applicant's undersigned attorneys) was conducted on July 25, 2006. The applicant and Mr. Smid wish to thank the Examiner for his time and consideration for such interview.

Claims 1-17 and 27-41 have been canceled. Claims 19-21, 23-25, and 42-47, and amended claims 18, 22, and 26 are in this application.

Claims 18-26 and 42-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (U.S. Patent No. 6,423,892) in view of Ronning (U.S. Patent No. 5,883,954).

Amended independent claim 18, as presented herein, recites in part the following:

"a database operative to store therein audio work comparison information for identifying full audio works; and

a processor operative to compare the sampled portion signal against said comparison information to identify the full audio work corresponding to the sampled portion signal, to indicate to a user of the portable device the identity of the full audio work, and to present purchasing information that enables the user to purchase the full audio work.

" (Emphasis added.)

As discussed during the July 25 interview, it is respectfully submitted that the applied combination of Ramaswamy and Ronning does not disclose the above features of claim 18. That is, as best understood, the Examiner appears to assert that Ramaswamy discloses the present database and the present processor. However, the Examiner acknowledges that Ramaswamy

does not disclose comparison information and as a result relies on Ronning to disclose "comparison sampling audio works for use in identifying full audio works from a database operative to store therein audio works." (See section 1 on page 2 of the present Office Action.)

As discussed during the July 25 interview, Ramaswamy does not appear to disclose "a database operative to store therein audio work comparison information for identifying full audio works" and "a processor operative to compare the sampled portion signal against said comparison information to identify the full audio work corresponding to the sampled portion signal, . . . and to present purchasing information that enables the user to purchase the full audio work" as in claim 18. And, as also discussed during the July 25 interview, Ronning does not appear to disclose audio comparison information. In fact, Ronning appears to relate to a technique for enabling a potential customer to sample software programs.

Accordingly, it is respectfully submitted that combining Ramaswamy and Ronning in the manner proposed by the Examiner would not produce the device specifically recited in claim 18. Therefore, it is respectfully requested that the above rejection of claim 18 be withdrawn.

For reasons similar to those previously described with regard to independent claim 18, it is also respectfully submitted that the above 103 rejection of amended independent claims 22 and 26 also be withdrawn.

Claims 19-21, 23-25, and 42-47 are dependent from one of independent claims 18, 22, and 26. Accordingly, it is also respectfully submitted that the above 103 rejection of claims 19-21, 23-25, and 42-47 also be withdrawn for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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